IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

SATURDAY, THE 1ST DECEMBER 2007 / 10TH AGRAHAYANA 1929

OP.No. 11993 of 2002(C)

PETITIONER:

LEKSHMY KURUP, D/O.BHAGAVAL DAS,
702, PANCHAVADI APARTMENTRS,
PANCHAVADI COLONY, VYTTILA, KOCHI-19.

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY
CHIEF SECRETARY, TRIVANDRUM.

2. THE COMMISSIONER(LAND REVENUE),
PUBLIC OFFICE BUUILDINGS,
MUSEUM JUNCTION, THIRUVANANTHAPURAM.

3. THE DISTRICT COLLECTOR, PALAKKAD.

4. THE TAHSILDAR (RR), CHITTOOR, PALAKKAD.

BY SMT. SMITHA, GOVERNMENT PLEADER
SRI.K.RAMAKUMAR
SRI.T.K.AJITH KUMAR
SRI.JOSE KUTTIYANY
SRI.V.C.JAMES
SRI.ANTONY JOSEPH V.
SRI.PAUL JOSE

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 01/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O.P.NO. 11993/2002

ORDER ON CMP NO. 20663/2002 IN O.P.NO. 11993/2002 &

ORDER ON CMP NO. 3971/2003 IN CMP NO. 20663/2002 IN O.P.NO. 11993/2002

DISMISSED.

01/12/2007 SD/- (C.N.RAMACHANDRAN NAIR, JUDGE)

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE DECREE IN OS NO.553/91.

P2 : COPY OF the SALE NOTICE ISSUED BY 3RD RESPONDENT DATED 07/12/2001.

P3 : COPY OF THE REPRESENTATION SENT BY THE PETITIONER BEFORE THE RESPONDENS 2 TO 4.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

O.P. No. 11993 of 2002

Dated, this the 1st day of December, 2007

J U D G M E N T

Prayer in the original petition is for setting aside the revenue recovery sale of petitioner's property for recovery of arrears due to the workers. Learned Government Pleader reported that on another person's application, the Land Revenue Commissioner has set aside the sale on the ground that unnecessary extent of land was sold. If the employers did not settle liability within a reasonable time, the extent of property required for settling workers' dues should be sold in auction without delay. This writ petition is, accordingly, disposed of directing the Tahsildar to verify whether the amount due to the workers are paid or not, and if not, to arrange for sale of the property of the person liable. If different persons are liable, liability should be fixed on proportionate basis and property of each and everyone should be sold to the extent required to meet the liability.

(C.N.RAMACHANDRAN NAIR, JUDGE.)

jg